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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,302	12/31/2003	Thomas J. Drury	X-9449	8423
615	7590	11/19/2008	EXAMINER	
JOHN S. HALE			CHANG, VICTOR S	
GIPPLE & HALE				
6665-A OLD DOMINION DRIVE			ART UNIT	PAPER NUMBER
MCLEAN, VA 22101			1794	
		MAIL DATE	DELIVERY MODE	
		11/19/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: THOMAS DRURY

Application No. 10/748,302
Technology Center 1700

Mailed: November 19, 2008

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 3, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT

A prior "Order Returning Undocketed Appeal to Examiner" was mailed on October 18, 2007, wherein the Appellant was instructed that corrections were required. A review of the file finds that an Appeal Brief and Amendment was filed canceling claim 7, however, there is no indication on the record that the Examiner has considered the Communication filed October 16, 2008. Appropriate action is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) generate a PTOL-90 that considers the Appeal Brief and

Amendment filed October 16, 2008; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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